

## **REMARKS**

This Amendment is in response to the Office Action mailed 02/21/2006. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### ***Detailed Action***

2. Applicant directs the Examiner's attention to the previous Responses which have addressed the Examiner's observations about the application format.

### ***Rejection Under 35 U.S.C. § 103***

4. The Examiner rejects claims 1-6, 10-14, 18-20, 23-26 and 30 under 35 U.S.C. 103(a) as being unpatentable over Miro (U.S. Patent 5,220,653) in view of Raza (U.S. Patent 6,816,494 B1), and further in view of Collins et al. (U.S. 6,791,990 B1).

5. As to claims 1, 11, 19 and 24, the Examiner asserts that Miro in combination with Raza teaches the invention substantially as claimed. Applicant has amended claims 1, 11, 19 and 24 to provide that a classifier assigns a priority type to each data frame and that the task router stores tasks in the first or second queue according to the priority type. The claims as amended further provide that data frame priority types are reassigned from the first priority type to the second priority type if an overflow condition is detected in the first queue, to prevent overflow of the first queue. This is distinctly different from the disclosure of Raza because Raza discloses changing the scheduling priority so that packets are removed from a queue ahead of schedule to avoid packet loss. In great contrast, the present invention alters the priority of a task before placing the task into a queue so that queue length is controlled by causing a task to be placed into a different queue from the one where the task would normally placed.

10. As to claim 2, the claim has been cancelled.

11. As to claim 3, the Examiner asserts that Collins teaches a look-up table communicatively coupled to the task scheduler and to the port, the look-up table to provide one of the first priority type and the second priority type to the task scheduler for every data frame received according to the data stream in which the data frame was included (col. 2, lines 24-42). Applicant respectfully disagrees. Collins teaches a look-up table that provides a priority symbol that is used to select one of the buffers to provide an output. The priority symbol is selected from a predefined table of symbols by a random number. Thus Collins does not teach providing the priority type for a data frame according to the data stream in which the data frame was included as claimed.

12. As to claim 4, the Examiner asserts that Collins teaches wherein one of the first priority type and the second priority type is pre-assigned to the data stream (col. 1, lines 38-45). Applicant respectfully disagrees. Collins teaches a priority symbol that is representative of different priority levels each of which corresponds to one of a plurality of buffers. Thus Collins does not teach wherein one of the first priority type and the second priority type is pre-assigned to the data stream as claimed. The teachings of Collins are directed to selecting a buffer for retrieving data which has previously been stored according to priority while the elements recited

in claim 4 are directed to assigning a priority to a data frame based on the data stream to direct the data frame to a buffer.

13. As to claim 5, the Examiner asserts that Raza teaches the conversions between priority types and data frame types are dynamically configured in response to usage of the first and second queues (col. 10, lines 20-30). Applicant respectfully disagrees. Raza discloses changing the scheduling priority so that packets are removed from a queue ahead of schedule to avoid packet loss. In great contrast, the present invention alters the priority of a task before placing the task into a queue so that queue length is controlled by causing a task to be placed into a different queue from the one where the task would normally placed.

14. As to claim 6, the claim has been cancelled.

15. As to claim 10, the Examiner asserts that Miro teaches the third queue is a shared execution queue from which one or more processing units retrieve task identifiers to process (col. 1, lines 42-45). Applicant respectfully disagrees. Applicant understands the cited portion of Miro to disclose a set of priority ordered request holding queues for each physical disk drive in a processing system. Thus only one processing unit retrieves task identifiers to process from the service queue. One of ordinary skill in the art would understand that requests for a disk drive must be associated with only that disk drive as it is not possible to service requests directed to a disk drive by any other disk drive.

16. As to claims 12, 20, and 25, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

17. As to claim 13, the Examiner asserts that Collins teaches wherein one of the first priority type and the second priority type is pre-assigned to the data stream (col. 1, lines 38-45). Applicant respectfully disagrees. Collins teaches a priority symbol that is representative of different priority levels each of which corresponds to one of a plurality of buffers. Thus Collins does not teach wherein one of the first priority type and the second priority type is pre-assigned to the data stream as claimed. The teachings of Collins are directed to selecting a buffer for retrieving data which has previously been stored according to priority while the elements recited in claim 4 are directed to assigning a priority to a data frame based on the data stream to direct the data frame to a buffer.

18. As to claims 14 and 26, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

19. As to claims 18, 23 and 30, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

20. The Examiner rejects claims 8-9, 15-16, 21-22, 27-28 under 35 U.S.C. 103(a) as being unpatentable over Miro (U.S. Patent 5,220,653) in view of Raza (U.S. Patent 6,816,494 B1), further in view of Collins et al (U.S. 6,791,990 B1), and further in view of Rhee et al. (U.S. Patent 6,341,303 B1).

21. As to claims 8-9, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

23. As to claims 15, 21 and 27, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

24. As to claims 16, 22 and 28, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 8-9, 15-16, 21-22, 27-28 under 35 U.S.C. 103(a) as being unpatentable over Miro (U.S. Patent 5,220,653) in view of Raza (U.S. Patent 6,816,494 B1), further in view of Collins et al (U.S. 6,791,990 B1), and further in view of Rhee et al. (U.S. Patent 6,341,303 B1).

#### ***Conclusion***

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 8, 2006

By \_\_\_\_\_ /James Henry/

James Henry  
Reg. No. 41,064  
Tel.: (714) 557-3800 (Pacific Coast)